

STATE OF ARKANSAS

Memorandum of Understanding
Between
Arkansas Governor's Developmental Disabilities Council
And the
Health Services Permit Agency

I. PURPOSE

The purpose of this Memorandum of Understanding is to formalize the working relationship between the *Arkansas Governor's Developmental Disabilities Council*, hereafter referred to as the *DD Council*, and the *Health Services Permit Agency*, hereafter referred to as the designated state agency (DSA), and to outline the respective roles and responsibilities in implementing the developmental Disabilities and Bill of Rights, P.L. 104-183, as amended, hereafter referred to as the DD Act. [Sec. 124(d)(S)(F)]

II. BACKGROUND

The *DD Council* is established pursuant to the DD Act. Consistent with the DD Act, the Governor of Arkansas has designated the *Health Services Permit Agency* to provide support to the *DD Council* as authorized by the DD Act. The purpose of this memorandum is to clarify and define the roles and responsibilities of the *DD Council* and the *Health Services Permit Agency*. The *DD Council* is established as a separate program within the *Health Services Permit Agency* in accordance with the DD Act. [Sec. 124(d)(1)]

1. *Developmental Disabilities Council*

The *DD Council* is established to promote, through systemic change, capacity building, and advocacy activities, the development of a consumer and family-centered comprehensive system and a coordinated array of culturally competent services, supports and other assistance designed to achieve independence, productivity, and integration and inclusion into the community for individuals with developmental disabilities. [Sec. 124(a)]

2. *Health Services Permit Agency*

The Governor may designate a state agency to provide support to the *DD Council* on behalf of the state. The *Health Services Permit Agency* is the designated state agency and adheres to the criteria outlined in the DD Act and shall not interfere with the budget, personnel, priorities and/or other action of the *DD Council* and the ability of the *DD Council* to serve as an advocate for individuals with developmental disabilities. [Sec. 124(a)(c)(d)]

III. STATEMENT OF AGREEMENT

1. GENERAL ROLES AND RESPONSIBILITIES

A. *DD Council*

1. Systematic Change, Capacity Building, and Advocacy Activities – The *DD Council* is responsible for serving as a systems change advocate for individuals with developmental disabilities and conducting programs projects, and activities designed to achieve independence, productivity and integration and inclusion into the community for individuals with developmental disabilities. [Sec. 124(c)(i-ii)]

2. State Plan Development Implementation and Monitoring – The *DD Council* will carry out all activities specified in the DD Act, as amended, relative to the development, implementation and monitoring of the state plan. The *DD Council* is responsible for developing and submitting to the Commissioner of the Administration on Developmental Disabilities the State Plan required under the DD Act in consultation with the designated state agency. Such consultation shall be for the purpose of obtaining state assurances and ensuring consistence of the plan with State law. [Sec. 122(d)(2) and Sec. 124(c)(3)]
3. Review of Designated State Agency – The *DD Council* is responsible for periodically reviewing the designated State agency with respect to the activities carried out under the DD Act and making any recommendations for change to the Governor. [Sec. 235(c)(6)]
4. Reports – The *DD Council* is responsible for submitting periodic reports on its activities carried out under the DD Act and maintaining such records to verify such reports. [Sec. 124(c)(7)]

B. Designated State Agency

1. Support Services – The *Health Services Permit Agency*, as the designated state agency, is responsible for providing required assurances and support services as requested by and negotiated with the *DD Council*.
2. Compensation for Support Services Provided – The *DD Council* agrees to reimburse the DSA based upon a contract for all inclusive support services as negotiated. *DD Council* funds will be used to reimburse administrative support services to the maximum extent allowed by federal law.
3. Records, Access and Financial Reports – The *Health Services Permit Agency* is responsible for keeping such records and affording access thereto as the Commissioner of the Administration on Developmental Disabilities and the *DD Council* determine necessary, and for providing timely financial reports at the request of the DD Council regarding the status of expenditures, obligations, liquidation, and the Federal and non-federal share. [Sec. 124(d)(3)(C)]
4. Assurances – The *Health Services Permit Agency* is responsible for assisting the *DD Council* in obtaining the required assurances and in ensuring that the State Plan is consistent with state law. [Sec. 124(d)(3)(E)]
5. Memorandum of Understanding – The *Health Services Permit Agency*, upon the request of the DD Council, is responsible for entering into a memorandum of understanding with the *DD Council* delineating the roles and responsibilities of the designated State agency. [Sec. 124(d)(3)(F)]

2. BUDGET DEVELOPMENT AND FISCAL MATTERS

A. Developmental Disabilities Council

1. The *DD Council* is responsible for preparing, approving, and implementing a budget using amounts paid to the State under the DD Act to fund and implement all programs, projects, and activities, including hiring and maintaining sufficient numbers and types of

staff as the *DD Council* determines necessary to carry out its functions. [Sec. 124(c)(8)(A-C)]

2. The *DD Council* is responsible for directing the expenditure of funds for grants, contracts, interagency agreements that are binding contracts, and other activities authorized by the approved State plan. [Sec. 124(c)(8)(C)]
3. The *DD Council* shall have responsibility for selecting the DD Coordinator and shall exercise this responsibility in consultation with the Director of the DSA. The Coordinator shall hire, supervise, and annually evaluate the staff of the *DD Council*. Council staff shall be governed by state personnel policies and procedures. [Sec. 124(c)(9)]
4. The *DD Council* will follow State policies and procedures for purchase of supplies and equipment. [Sec. 124(c)(8)]

B. Designated State Agency

1. The *Health Services Permit Agency* provides administrative support for executing the fiscal aspects of the *DD Council's* Program and is responsible for receiving, accounting for, and dispensing funds, at the discretion of the *DD Council*, under the DD Act based on the required State plan. [Sec. 124(d)(3)(B)(ii)]
2. The DSA is responsible for ensuring such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of, and accounting for, funds paid to the State under the DD Act. [Sec. 124(d)(3)(C)]
3. The DSA is responsible for providing cost centers, accounts, encumbrances and reports on costs and other support documentation for budget preparation and for other fiscal management needs. [Sec. 124(d)(3)(C)]
4. The DSA is responsible for payroll processing, contract and purchasing services and expenditure reporting, proper accounting and bookkeeping and other fiscal controls, computer and automated services support for computers, hardware, software, printers, etc., facilities management and building operations, telecommunications, purchasing services, and property management provisions of assurances, and the provision of administrative support services. [Sec. 124(d)(1) and 124(d)(3)(A); Sec. 124(d)(3)(C)]

3. PERSONNEL ADMINISTRATION

A. Developmental Disabilities Council

1. The *DD Council* is responsible for determining the number and classification of staff required to meet its needs, consistent with the DD Act and the State Civil Service Law. Staff recruitment and hiring shall be consistent with Federal and State non-discrimination laws. Dismissal of personnel shall be consistent with State law and personnel policies. [Sec. 124(c)(8)(B),(9)]
2. The DD Council Chair, Vice Chair, and Council Member at large in consultation with the Director of the DSA shall jointly interview and concur on the selection of the DD Coordinator, consistent with State regulations. [Sec. 124(c)(9)]

3. The Executive Committee, with input from the Council, shall meet annually to discuss the annual evaluation of the DD Coordinator. The results of the evaluation will be shared with the Director of the DSA. [Sec. 124(c)(9)]
 4. The DD Coordinator is responsible for recruiting, hiring, supervising, and annually evaluating the staff of the *DD Council* in accordance with State personnel policies and procedures. [Sec. 124(c)(9)]
 5. The staff and other personnel, while working for the *DD Council*, are responsible solely for assisting the *DD Council* in carrying out its duties under the DD Act and shall not be assigned other duties by the DSA or other agency or office of the State. [Sec. 124(c)(10)]
- B. Designated State Agency
1. The *Health Services Permit Agency* is responsible for assuring that the DD Council personnel actions adhere to state personnel policies and procedures.

4. LEGAL ASSISTANCE

A. Developmental Disabilities Council

Grant contracts will be signed by the DD Coordinator, the Director of the DSA and a grantee representative.

B. Health Services Permit Agency

The *Health Services Permit Agency* will assist the *DD Council* to obtain legal assistance on such issues as may arise in the administration of the DD program.

IV. AMENDMENT OR TERMINATION OF THE MEMORANDUM OF UNDERSTANDING

This memorandum shall become effective upon the signature of all parties and may be modified or terminated with a thirty-day notice by either party or by written agreement by all parties.

_____	_____
Director, Health Services Permit Agency	Date
_____	_____
Chair, DD Council	Date
_____	_____
DD Council Coordinator	Date